

House File 2476 - Introduced

HOUSE FILE 2476
BY COMMITTEE ON REBUILD IOWA
AND DISASTER RECOVERY

(SUCCESSOR TO HSB 592)

A BILL FOR

1 An Act establishing smart planning principles for state
2 agencies, local governments, and other public entities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 18B.1 Iowa smart planning
2 principles.

3 It is the intent of the general assembly that this section
4 assist state agencies, local governments, and other public
5 entities during consideration and development of innovative
6 planning strategies and policies to reduce the impact of future
7 natural disasters, promote growth, protect natural resources,
8 and safeguard the quality of life for all Iowans. Nothing in
9 this section shall be construed to limit the authority of a
10 state agency, local government, or other public entity relating
11 to planning, zoning, development, and resource management.
12 State agencies, local governments, and other public entities
13 may consider and apply the following principles during
14 deliberation of all appropriate planning, zoning, development,
15 and resource management decisions:

16 1. *Collaboration.* Governmental, community, and individual
17 stakeholders, including those outside the jurisdiction of the
18 entity, are encouraged to be involved and provide comment
19 during deliberation of planning, zoning, development, and
20 resource management decisions and during implementation of such
21 decisions. The state agency, local government, or other public
22 entity is encouraged to develop and implement a strategy to
23 facilitate such participation.

24 2. *Efficiency, transparency, and consistency.* Planning,
25 zoning, development, and resource management should be
26 undertaken to provide efficient, transparent, and consistent
27 outcomes. Individuals, communities, regions, and governmental
28 entities should share in the responsibility to promote the
29 equitable distribution of development benefits and costs.

30 3. *Clean, renewable, and efficient energy.* Planning, zoning,
31 development, and resource management should be undertaken to
32 promote clean and renewable energy use and increased energy
33 efficiency.

34 4. *Occupational diversity.* Planning, zoning, development,
35 and resource management should promote increased diversity

1 of employment and business opportunities, promote access to
2 education and training, expand entrepreneurial opportunities,
3 and promote the establishment of businesses in locations near
4 existing housing, infrastructure, and transportation.

5 5. *Revitalization.* Planning, zoning, development, and
6 resource management should facilitate the revitalization
7 of established town centers and neighborhoods by promoting
8 development that conserves land, protects historic resources,
9 promotes pedestrian accessibility, and integrates different
10 uses of property. Remediation and reuse of existing
11 sites, structures, and infrastructure is preferred over new
12 construction in undeveloped areas.

13 6. *Housing diversity.* Planning, zoning, development, and
14 resource management should encourage diversity in the types
15 of available housing, support the rehabilitation of existing
16 housing, and promote the location of housing near public
17 transportation.

18 7. *Community character.* Planning, zoning, development, and
19 resource management should promote activities and development
20 that are consistent with the character and architectural style
21 of the community and should respond to local values regarding
22 the physical character of the community.

23 8. *Natural resources and agricultural protection.*
24 Planning, zoning, development, and resource management
25 should emphasize protection, preservation, and restoration of
26 environmentally sensitive land, natural resources, agricultural
27 land, and cultural and historic landscapes, and should increase
28 the availability of open spaces and recreational facilities.

29 9. *Sustainable design.* Planning, zoning, development, and
30 resource management should promote developments, buildings, and
31 infrastructure that utilize sustainable design and construction
32 standards and conserve natural resources by reducing waste and
33 pollution through efficient use of land, energy, water, and
34 materials.

35 10. *Transportation diversity.* Planning, zoning,

1 development, and resource management should promote expanded
2 transportation options for residents of the community.
3 Consideration should be given to transportation options that
4 maximize mobility, reduce congestion, conserve fuel, and
5 improve air quality.

6 Sec. 2. Section 28I.4, Code 2009, is amended to read as
7 follows:

8 **28I.4 Powers and duties.**

9 1. The commission shall have the power and duty to
10 make comprehensive studies and plans for the development
11 of the area it serves which will guide the unified
12 development of the area and which will eliminate planning
13 duplication and promote economy and efficiency in the
14 ~~co-ordinated~~ coordinated development of the area and the
15 general welfare, convenience, safety, and prosperity of its
16 people. The plan or plans collectively shall be known as
17 the regional or metropolitan development plan. The plans
18 for the development of the area may include, but shall not
19 be limited to, recommendations with respect to existing
20 and proposed highways, bridges, airports, streets, parks
21 and recreational areas, schools and public institutions and
22 public utilities, public open spaces, and sites for public
23 buildings and structures; districts for residence, business,
24 industry, recreation, agriculture, and forestry; water supply,
25 sanitation, drainage, protection against floods and other
26 disasters; areas for housing developments, slum clearance
27 and urban renewal and redevelopment; location of private
28 and public utilities, including but not limited to sewerage
29 and water supply systems; and such other recommendations
30 concerning current and impending problems as may affect the
31 area served by the commission. Time and priority schedules and
32 cost estimates for the accomplishment of the recommendations
33 may also be included in the plans. The plans may be made
34 with consideration of the smart planning principles under
35 section 18B.1. The plans shall be based upon and include

1 appropriate studies of the location and extent of present
 2 and anticipated populations; social, physical, and economic
 3 resources, problems and trends; and governmental conditions and
 4 trends. The commission is also authorized to make surveys,
 5 land-use studies, and urban renewal plans, provide technical
 6 services and other planning work for the area it serves and
 7 for cities, counties, and other political subdivisions in
 8 the area. A plan or plans of the commission may be adopted,
 9 added to, and changed from time to time by a majority
 10 vote of the planning commission. The plan or plans may in
 11 whole or in part be adopted by the governing bodies of the
 12 ~~co-operating~~ cooperating cities and counties as the general
 13 plans of such cities and counties. The commission may also
 14 assist the governing bodies and other public authorities or
 15 agencies within the area it serves in carrying out any regional
 16 plan or plans, and assist any planning commission, board or
 17 agency of the cities and counties and political subdivisions
 18 in the preparation or effectuation of local plans and planning
 19 consistent with the program of the commission. The commission
 20 may ~~co-operate~~ cooperate and confer, as far as possible, with
 21 planning agencies of other states or of regional groups of
 22 states adjoining its area.

23 2. A planning commission formed under the provisions of
 24 this chapter shall, upon designation as such by the governor,
 25 serve as a district, regional, or metropolitan agency for
 26 comprehensive planning for its area for the purpose of carrying
 27 out the functions as defined for such an agency by federal,
 28 state, and local laws and regulations.

29 Sec. 3. Section 329.3, Code 2009, is amended to read as
 30 follows:

31 **329.3 Zoning regulations — powers granted.**

32 Every municipality having an airport hazard area within
 33 its territorial limits may adopt, administer, and enforce
 34 in the manner and upon the conditions prescribed by this
 35 chapter, zoning regulations for such airport hazard area,

1 which regulations may divide such area into zones and, within
2 such zones, specify the land uses permitted, and regulate
3 and restrict, for the purpose of preventing airport hazards,
4 the height to which structures and trees may be erected or
5 permitted to grow. Regulations adopted under this chapter
6 may be made with consideration of the smart planning principles
7 under section 18B.1.

8 Sec. 4. Section 335.5, Code 2009, is amended to read as
9 follows:

10 **335.5 Objectives.**

11 1. The regulations shall be made in accordance with a
12 comprehensive plan and designed to preserve the availability
13 of agricultural land; to consider the protection of soil
14 from wind and water erosion; to encourage efficient urban
15 development patterns; to lessen congestion in the street or
16 highway; to secure safety from fire, flood, panic, and other
17 dangers; to protect health and the general welfare; to provide
18 adequate light and air; to prevent the overcrowding of land;
19 to avoid undue concentration of population; to promote the
20 conservation of energy resources; to promote reasonable access
21 to solar energy; and to facilitate the adequate provision of
22 transportation, water, sewerage, schools, parks, and other
23 public requirements. However, provisions of this section
24 relating to the objectives of energy conservation and access
25 to solar energy shall not be construed as voiding any zoning
26 regulation existing on July 1, 1981, or to require zoning in a
27 county that did not have zoning prior to July 1, 1981.

28 2. ~~Such~~ The regulations shall be made with reasonable
29 consideration, among other things, as to the character of the
30 area of the district and the peculiar suitability of such area
31 for particular uses, and with a view to conserving the value
32 of buildings and encouraging the most appropriate use of land
33 throughout such county.

34 3. The regulations may be made with consideration of the
35 smart planning principles under section 18B.1.

H.F. 2476

1 the importance of efficiency, transparency, and consistency,
2 advise the use of clean and renewable energy, advise the
3 use of energy-efficient and sustainable design options,
4 encourage occupational, transportation, and housing diversity,
5 encourage revitalization, identify the importance of community
6 character, and encourage decisions that will protect natural
7 and agricultural resources.